L. Kristopher Rath (5749)
HUTCHISON & STEFFEN, LLC
Peccole Professional Park
10080 West Alta Drive, Suite 200
Las Vegas, Nevada 89145

Attorneys for Plaintiff
1ST TECHNOLOGY LLC

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

1ST TECHNOLOGY LLC, Plaintiff, v. RIPTOWN.COM MEDIA, Defendant.	)	**JURY DEMANDED**

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff 1st Technology LLC ("1st Technology"), complains of defendant Riptown.com Media ("Riptown") as follows:

JURISDICTION AND VENUE

1. Jurisdiction exists under 28 U.S.C. § 1338(a) because Riptown is charged with patent infringement under 35 U.S.C. § 271.

2. Riptown has transacted business in this judicial district by making, using, selling or offering to sell and distributing software products, including the software product referenced by Riptown as "Poker 2.0", that violate 1st Technology's patent either in this judicial district or in the United States.

3. Venue is proper under 28 U.S.C. §§ 1391(d) and 1400(b).

Dockets.Justia.com

PARTIES

4. 1st Technology is a Nevada limited liability company with offices in Las Vegas, Nevada. 1st Technology is the assignee of and owns all right, title and interest in and has standing to sue for infringement of United States Patent No. 5,564,001 entitled "Method and System for Interactively Transmitting Multimedia Information Over a Network Which Requires Reduced Bandwidth" ("the '001 Patent").

5. Riptown is a foreign company with offices at 333 Seymour Street, 10th Floor, Vancouver BC, V6B 5A6, Canada. Riptown has previously and is presently making, using, selling, offering for sale, and/or importing into the United States software products, including the software product referenced by Riptown as "Poker 2.0", that infringe one or more claims of the '001 Patent. Riptown has infringed the '001 Patent either directly or through acts of contributory infringement or inducement in violation of 35 U.S.C. § 271.

BACKGROUND

6. Dr. Scott Lewis ("Dr. Lewis") is an individual residing in Los Gatos, California. Dr. Lewis is the controlling manager of 1st Technology LLC. Dr. Lewis is the inventor of the '001 Patent.

7. Dr. Lewis received B.S. and M.S. degrees with honors in mechanical and electrical engineering from M.I.T. Dr. Lewis has a Ph.D. from Oxford University in adaptive digital signal processing as a Marshall Scholar and an M.B.A. from Harvard Business School. Dr. Lewis led the development of single-chip video and audio compression solutions, as well as the first automotive video cellular telephone.

8. Dr. Lewis is the inventor of a number of patents in multimedia communication technology including the separation, processing and recombination of multiple streams of multimedia

data. This processing can include enhancement, compression and other forms of data manipulation. The inventions of Dr. Lewis' patents are used in many online wagering systems.

PATENT INFRINGEMENT

9. Riptown has infringed the '001 Patent either directly or through acts of contributory infringement or inducement in violation of 35 U.S.C. § 271.

10. Riptown has infringed and continues to infringe at least Claim 26 of the '001 Patent.

11. Riptown's infringement, contributory infringement and/or inducement to infringe has injured 1st Technology and it, therefore, is entitled to recover damages adequate to compensate it for such infringement, but in no event less than a reasonable royalty.

12. Riptown's infringement, contributory infringement and/or inducement to infringe has been willful and deliberate because Riptown has been given notice of or knew of the '001 Patent and has nonetheless injured and will continue to injure 1st Technology, unless and until this Court enters an injunction prohibiting further infringement and, specifically, enjoining further manufacture, use, sale and/or offer for sale of products or services that come within the scope of the '001 Patent.

JURY DEMAND

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure and Local Rule 38-1, 1st Technology requests a trial by jury on all issues presented that can properly be tried to a jury.

WHEREFORE, plaintiff, 1st Technology, asks this Court to enter judgment against Riptown, and against its subsidiaries, affiliates, agents, servants, employees and all persons in active concert or participation with it, granting the following relief:

A. An award of damages adequate to compensate 1st Technology for the infringement that has occurred, together with prejudgment interest from the date infringement began;

B. All other damages permitted by 35 U.S.C. § 284;

C. A finding that this case is exceptional and an award to 1st Technology of attorneys' fees and costs as provided by 35 U.S.C. § 285;

D. A permanent injunction prohibiting further infringement, inducement and contributory infringement of the '001 Patent; and,

E. Such other and further relief as this Court or a jury may deem proper and just.

Respectfully submitted,

(9437)

L. Kristopher Rath (5749)
HUTCHISON & STEFFEN, LLC
Peccole Professional Park
10080 West Alta Drive, Suite 200
Las Vegas, Nevada 89145

Attorneys for Plaintiff
1ST TECHNOLOGY LLC